UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/676,219
Filing Date: October 01, 2003
Appellant(s): SUNDARESAN ET AL.

John P. Wagner, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 21, 2008 appealing from the Office

action mailed October 25, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2004/0068560	Oulu et al.	4-2004
6,714,976	Wilson et al.	3-2004
7,103,782	Tugenberg et al.	9-2006

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Specification

The specification is objected to as failing to provide proper antecedent basis for

the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required: The claimed "tangible machine-readable medium" in claims

25-29 lacks antecedent basis in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Claim 25 recites the limitation "the transaction tracking logic" in lines 11-12.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 6-12, 14-20, and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oulu et al (US PGPUB US2004/0068560) in view of Wilson et al (US Patent #6,714,976).

Claim 1 discloses a system comprising presentation architecture for creating applications, the presentation architecture comprising: a controller generator that is adapted to provide an application with a controller that receives a request to perform a transaction and completes the transaction in part, by responding to the request; and transaction tracking logic that is adapted to provide the application with a plurality of transaction managers, each transaction manager being adapted to record tracking information about transactions of a specific type, wherein the transaction tracking logic is adapted to provide the application with an ability to interface with a logging program to log data collected by the plurality of transaction managers. Oulu et al teaches an application receives a request and responds to the request (paragraph 34), a probe tracks data (paragraph 35), and the probe reports the measurements to a database to

be logged (paragraph 38). It fails to teach of transaction tracking logic that is adapted to

provide the application with a plurality of transaction managers, each transaction

manager being adapted to record tracking information about transactions of a specific

type. Wilson et al teaches multiple agents monitor multiple types of activity (column 5,

lines 26-55).

Oulu et al and Wilson et al are analogous art because they are both related to

monitoring applications over a network.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the monitoring agents in Wilson et al with the system in Oulu et al

because constant polling by the console when monitoring is avoided (Wilson, column 5,

lines 26-46).

Claim 2 discloses the system set forth in claim 1, wherein the plurality of

transaction managers comprises a business activity manager. Wilson et al further

teaches business activity is monitored (column 5, lines 26-46).

Claim 3 discloses the system set forth in claim 1, wherein the plurality of

transaction managers comprises a performance activity manager. Oulu et al further

teaches performance metrics are monitored (paragraph 35).

Claim 4 discloses the system set forth in claim 1, wherein the plurality of

transaction managers comprises an error activity manager. Wilson et al further teaches

event notifications or errors are monitored (column 5, lines 26-46).

Claim 7 discloses the system set forth in claim 1, wherein the transaction tracking

logic is adapted to provide the application with an ability to output data to at least one of

a file system, a database, publishing a messaging queue and a Simple Network
Management Protocol ("SNMP")-based monitoring program. Oulu et al further teaches
the data is sent to a database (paragraph 38).

　　　　Claim 8 discloses the system set forth in claim 1, wherein the tracking
information comprises timing measurements with respect to the transaction. Oulu et al
further teaches timing measurements are taken (paragraphs 35 and 36).

　　　　Claim 9 discloses a method of creating applications, the method comprising:
creating, with a processor-based device, a controller that receives a request to perform
a transaction and completes the transaction by responding to the request; and providing
a plurality of transaction managers, each transaction manager being adapted to record
tracking information about transactions of a specific type, wherein the applications have
an ability to interface with a logging program to log data collected by the plurality of
transaction managers. Oulu et al teaches an application receives a request and
responds to the request (paragraph 34), a probe tracks data (paragraph 35), and the
probe reports the measurements to a database to be logged (paragraph 38). It fails to
teach of providing a plurality of transaction managers, each transaction manager being
adapted to record tracking information about transactions of a specific type. Wilson et
al teaches multiple agents monitor multiple types of activity (column 5, lines 26-55).

　　　　Oulu et al and Wilson et al are analogous art because they are both related to
monitoring applications over a network.

　　　　At the time of the invention it would have been obvious to a person of ordinary
skill in the art to use the monitoring agents in Wilson et al with the system in Oulu et al

because constant polling by the console when monitoring is avoided (Wilson, column 5, lines 26-46).

Claim 10 discloses the method set forth in claim 9, comprising defining one of the plurality of transaction managers to be a business activity manager. Wilson et al further teaches business activity is monitored (column 5, lines 26-46).

Claim 11 discloses the method set forth in claim 9, comprising defining one of the plurality of transaction managers to be a performance activity manager. Oulu et al further teaches performance metrics are monitored (paragraph 35).

Claim 12 discloses the method set forth in claim 9, comprising defining one of the plurality of transaction managers to be an error activity manager. Wilson et al further teaches event notifications or errors are monitored (column 5, lines 26-46).

Claim 15 discloses the method set forth in claim 9, comprising providing the applications with an ability to output data to at least one of a file system, a database, publishing a messaging queue and a Simple Network Management Protocol ("SNMP")-based monitoring program. Oulu et al further teaches the data is sent to a database (paragraph 38).

Claim 16 discloses the method set forth in claim 9, comprising defining the tracking information to comprise timing measurements with respect to the transaction. Oulu et al further teaches timing measurements are taken (paragraphs 35 and 36).

Claim 17 discloses a system for creating applications, the system comprising: means for providing an application with a controller that receives a request to perform a transaction and completes the transaction by responding to the request; and means for

providing the application with a plurality of transaction managers, each transaction

manager being adapted to record tracking information about transactions of a specific

type, wherein the applications have an ability to interface with a logging program to log

data collected by the plurality of transaction managers. Oulu et al teaches an

application receives a request and responds to the request (paragraph 34), a probe

tracks data (paragraph 35), and the probe reports the measurements to a database to

be logged (paragraph 38). It fails to teach of providing the application with a plurality of

transaction managers, each transaction manager being adapted to record tracking

information about transactions of a specific type. Wilson et al teaches multiple agents

monitor multiple types of activity (column 5, lines 26-55).

Oulu et al and Wilson et al are analogous art because they are both related to

monitoring applications over a network.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the monitoring agents in Wilson et al with the system in Oulu et al

because constant polling by the console when monitoring is avoided (Wilson, column 5,

lines 26-46).

Claim 18 discloses the system set forth in claim 17, wherein the plurality of

transaction managers comprises a business activity manager. Wilson et al further

teaches business activity is monitored (column 5, lines 26-46).

Claim 19 discloses the system set forth in claim 17, wherein the plurality of

transaction managers comprises a performance activity manager. Oulu et al further

teaches performance metrics are monitored (paragraph 35).

Claim 20 discloses the system set forth in claim 17, wherein the plurality of transaction managers comprises an error activity manager. Wilson et al further teaches event notifications or errors are monitored (column 5, lines 26-46).

Claim 23 discloses the system set forth in claim 17, comprising transaction tracking logic adapted to provide the applications with an ability to output data to at least one of a file system, a database, publishing a messaging queue and a Simple Network Management Protocol ("SNMP")-based monitoring program. Oulu et al further teaches the data is sent to a database (paragraph 38).

Claim 24 discloses the system set forth in claim 17, wherein the tracking information comprises timing measurements with respect to the transaction. Oulu et al further teaches timing measurements are taken (paragraphs 35 and 36).

Claim 25 discloses a tangible machine-readable medium, comprising: a controller generator code adapted to provide an application with a controller that receives a request to perform a transaction and completes the transaction by responding to the request; and transaction tracking code adapted to provide the application with a plurality of transaction managers, each transaction manager being adapted to record tracking information about transactions of a specific type, wherein the transaction tracking logic is adapted to provide the application with an ability to interface with a logging program to log data collected by the plurality of transaction managers. Oulu et al teaches using computer-readable medium (paragraph 22), an application receives a request and responds to the request (paragraph 34), a probe tracks data (paragraph 35), and the probe reports the measurements to a database to be logged (paragraph 38). It fails to

teach of transaction tracking logic that is adapted to provide the application with a plurality of transaction managers, each transaction manager being adapted to record tracking information about transactions of a specific type. Wilson et al teaches multiple agents monitor multiple types of activity (column 5, lines 26-55).

Oulu et al and Wilson et al are analogous art because they are both related to monitoring applications over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the monitoring agents in Wilson et al with the system in Oulu et al because constant polling by the console when monitoring is avoided (Wilson, column 5, lines 26-46).

Claim 26 discloses the tangible machine-readable medium set forth in claim 25, wherein the plurality of transaction managers comprises a business activity manager. Wilson et al further teaches business activity is monitored (column 5, lines 26-46).

Claim 27 discloses the tangible machine-readable medium set forth in claim 25, wherein the plurality of transaction managers comprises a performance activity manager. Oulu et al further teaches performance metrics are monitored (paragraph 35).

Claim 28 discloses the tangible machine-readable medium set forth in claim 25, wherein the plurality of transaction managers comprises an error activity manager. Wilson et al further teaches event notifications or errors are monitored (column 5, lines 26-46).

Claims 5, 13, 21, and 29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Oulu et al (US PGPUB US2004/0068560) in view of Wilson et al (US

Patent #6,714,976) as applied to claims 1, 9, 17, and 25 above, and further in view of

Tugenberg et al (US Patent #7,103,782).

Claim 5 discloses the system set forth in claim 1, wherein the transaction tracking

logic is adapted to provide the application with an ability to track debug activity. Oulu et

al in view of Wilson et al teaches of the limitations of claim 1 as recited above. It fails to

teach of the transaction tracking logic is adapted to provide the application with the

ability to track debug activity. Tugenberg et al teaches monitoring debugging activity

(column 3, line 62 – column 4, line 13).

Oulu et al in view of Wilson et al and Tugenberg et al are analogous art because

they are both related to monitoring data.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the debugging monitoring in Tugenberg et al with the system in

Oulu et al in view of Wilson et al because unauthorized conditions are able to be

detected (Tugenberg, column 3, line 62 – column 4, line 13).

Claim 13 discloses the method set forth in claim 9, comprising providing the

applications with an ability to track debug activity. Oulu et al in view of Wilson et al

teaches of the limitations of claim 9 as recited above. It fails to teach of providing the

application with the ability to track debug activity. Tugenberg et al teaches monitoring

debugging activity (column 3, line 62 – column 4, line 13).

Oulu et al in view of Wilson et al and Tugenberg et al are analogous art because they are both related to monitoring data.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the debugging monitoring in Tugenberg et al with the system in Oulu et al in view of Wilson et al because unauthorized conditions are able to be detected (Tugenberg, column 3, line 62 – column 4, line 13).

Claim 21 discloses the system set forth in claim 17, wherein the means for providing the application with a plurality of transaction managers is adapted to provide the application with an ability to track debug activity. Oulu et al in view of Wilson et al teaches of the limitations of claim 17 as recited above. It fails to teach of providing the application with the ability to track debug activity. Tugenberg et al teaches monitoring debugging activity (column 3, line 62 – column 4, line 13).

Oulu et al in view of Wilson et al and Tugenberg et al are analogous art because they are both related to monitoring data.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the debugging monitoring in Tugenberg et al with the system in Oulu et al in view of Wilson et al because unauthorized conditions are able to be detected (Tugenberg, column 3, line 62 – column 4, line 13).

Claim 29 discloses the tangible machine-readable medium set forth in claim 25, wherein the transaction tracking logic is adapted to provide the application with an ability to track debug activity. Oulu et al in view of Wilson et al teaches of the limitations of claim 25 as recited above. It fails to teach of providing the application with the ability

to track debug activity. Tugenberg et al teaches monitoring debugging activity (column 3, line 62 – column 4, line 13).

Oulu et al in view of Wilson et al and Tugenberg et al are analogous art because they are both related to monitoring data.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the debugging monitoring in Tugenberg et al with the system in Oulu et al in view of Wilson et al because unauthorized conditions are able to be detected (Tugenberg, column 3, line 62 – column 4, line 13).

(10) Response to Argument

Issue 1

Applicant asserts claim 25 provides proper antecedent basis for "tangible machine-readable medium. The Examiner respectfully disagrees, the specification fails to provide any reference to tangible machine-readable medium.

Issue 2

Applicant asserts claim 25 provides sufficient antecedent basis for "the transaction tracking logic". The Examiner respectfully disagrees, the claim fails to provide any reference to logic and only refers to "transaction tracking code".

Issue 3 and 4

Applicant asserts the prior art fails to teach the transaction tracking logic is adapted to provide the application with an ability to interface with a logging program to log data collected by the plurality of transaction managers. The Examiner respectfully disagrees, Oulu et al teaches a probe is able to interface with a database or a logging

program to report various measurements in association with particular transactions

(paragraph 38). Wilson et al teaches the ability for multiple agents or probes to monitor

different types of activity which is reported back to a console and storing it in a database

(column 5, lines 26-55), therefore providing the ability to interface with a logging

program to store data collected by the multiple agents.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/B. J. G./

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